

STEPHEN CHAPMAN
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STEPHEN CHAPMAN,
Plaintiff,

VS.

HORACE MANN PROPERTY AND CASUALTY
INSURANCE COMPANY, et al.,
Defendants.

Case No.: 2:24-CV-10546-MWF-BFM
JUDGE MICHAEL FITZGERAL

PLAINTIFF'S REPLY IN SUPPORT OF MOTION
FOR EQUITABLE TOLLING AND REMAND

TO THE HONORABLE COURT AND ATTORNEYS OF RECORD:

Plaintiff **Stephen Chapman**, appearing **pro se**, respectfully submits this Reply in Support of Plaintiff's **Ex Parte Motion for Equitable Tolling and Remand**. This Reply addresses misstatements, material omissions, and procedural defects in **Defendant's Opposition (ECF No. 25) and the Declaration of Counsel Kristin A. Ingulsrud (ECF No. 25-1)**, both filed on **February 24, 2025**.

I. INTRODUCTION

While Plaintiff understands the Court's reluctance to grant **ex parte** relief, Defendant's **bad faith litigation tactics, misrepresentation of jurisdictional facts, and failure to properly notify and serve Plaintiff** have created **prejudicial biases warranting judicial intervention**.

Defendant's Opposition relies on a **distorted procedural history**, conflating **valid objections to removal** with an alleged **failure to prosecute**—all while **ignoring its own misconduct** in obstructing Plaintiff's ability to litigate.

II. DEFENDANT'S FAILURE TO PROVIDE PROPER NOTICE AND DISREGARD FOR

1 **PROCEDURAL RULES**

2 **A. Admissions of Improper Service**

- 3 1. In ECF No. 25-1, Attorney **Kristin A. Ingulsrud** admits that Defendant **failed to serve the state court**
- 4 **until January 7, 2025**—more than a month after filing its defective **Notice of Removal (NOR) on**
- 5 **December 6, 2024**. Defendant also failed to perfect the required **CV-71 form (ECF Nos. 1, 1-1)** until
- 6 December 11th 2025.
- 7 2. **All moving papers fraudulently** rewrite history with the Defendant's false sworn statements claiming the
- 8 NOR and subsequent papers were served on Dec. 6, 2024. **These must be stricken from the record to**
- 9 **prevent altering procedural history and jeopardizing Plaintiff's right to a fair appeal.**
- 10 3. This **violated FRCP 5(b)(2)(E)**, which requires **written consent** for electronic service. Without such
- 11 consent, service **cannot be deemed valid**, depriving Plaintiff of **timely and proper notice**.
- 12 4. Defendant's procedural manipulation involved:
- 13 ○ **Premature and unauthorized service** of unfiled documents,
- 14 ○ **Exerting undue influence over litigation deadlines**, and
- 15 ○ **Bypassing court procedures to gain unfair procedural advantages.**

16 **B. Case Law Establishing Procedural Bad Faith**

- 17 • **Violation of FRCP 5(b)(2)(E) & 5(d):**
- 18 ○ *FRCP 5(b)(2)(E)*: Service must be **“reasonably calculated to ensure receipt.”*
- 19 ○ *FRCP 5(d)(1)*: Documents must be **properly filed before compelling any action or response**.
- 20 ○ Here, Defendant's **premature, unfiled service** was an **improper attempt to control Plaintiff's**
- 21 **litigation strategy**.
- 22 • **Relevant Case Law on Procedural Bad Faith:**
- 23 ○ *Chambers v. NASCO, Inc.*, 501 U.S. 32, 46 (1991) – Courts **have inherent authority to sanction**
- 24 **bad faith litigation tactics**.
- 25 ○ *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 766 (1980) – “A litigant's use of tactics **designed**
- 26 **to impose strategic disadvantages** on an opposing party may be subject to sanction.”
- 27 ○ *Goodwin v. Reynolds*, 757 F.3d 1216, 1221 (11th Cir. 2014) – **Manipulative litigation tactics**
- 28 **warrant remand.**

1 • **Prejudice and Due Process Violations:**

- 2 ○ *Kenny v. Wal-Mart Stores, Inc.*, 881 F.3d 786, 790 (9th Cir. 2018) – **Due process requires clear**
3 **and timely notice**; misleading service creates **unconstitutional burdens** on litigants.

4 Given Defendant’s **bad faith procedural tactics**, the Court should take **judicial notice** of these violations
5 and impose **sanctions under FRCP 11**.

6
7 **III. DEFENDANT’S MISREPRESENTATION OF JURISDICTIONAL FACTS**

8 **A. Fraudulent Invocation of Diversity Jurisdiction**

- 9 1. Defendant **intentionally omitted forum defendant Raymond Pruitt** from its Notice of Removal,
10 violating **28 U.S.C. § 1441(b)(2)**.

- 11 ○ Courts have rejected **fraudulent omissions of forum defendants**:

- 12 ■ *Standing v. Watson Pharm., Inc.*, 2020 WL 12884556 (C.D. Cal. 2020) – Removal tactics
13 that **undermine due process** justify remand.
14 ■ *Goodwin v. Reynolds*, 757 F.3d 1216 (11th Cir. 2014) – **Bad faith removal tactics**
15 **warrant remand**.

16 **B. Failure to Meet the Amount in Controversy Requirement**

- 17 2. Defendant **fails to establish that the amount in controversy exceeds \$75,000**, instead relying on
18 **speculation**.

- 19 ○ The **Declaration of Matthew Rubin** [(ECF No. 25-2) Decl. M. Rubin...Exh1...Renwl-Decl...]
20 contains **only conclusory statements**, making it **insufficient under Ninth Circuit precedent**
21 (*Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992)).
22 ○ **California law prohibits** a plaintiff from **stating a damages amount in certain cases** (*Cal. Civ.*
23 *Proc. Code § 425.10(b)*), further undermining Defendant’s claim.

24
25 **IV. PREJUDICE TO PLAINTIFF DUE TO DEFENDANT’S GAMESMANSHIP**

26 **A. Forced Parallel Litigation in Two Courts**

- 27 1. Defendant’s **deliberate procedural maneuvers** have forced Plaintiff to **litigate simultaneously in both**
28 **state and federal court**, exploiting **Plaintiff’s limited resources** as a **pro se litigant**.

2. Defendant's **bad faith acceleration of proceedings**—before Plaintiff had the opportunity to respond—violates **due process** (*Kenny v. Wal-Mart Stores, Inc.*, 881 F.3d 786, 790 (9th Cir. 2018)).
3. Defendant also **alienated Plaintiff from participating in ADR proceedings**, proceeding unilaterally before the **Magistrate Judge**—a **clear violation of procedural fairness**.

B. Failure to Ensure Plaintiff's Access to Court Orders

1. Defendant **sent critical notices to an erroneous address**, depriving Plaintiff of **access to court orders and procedural deadlines**.
2. Even **Defense Counsel's emails** (See Exhibit ___) acknowledge that **Plaintiff was not receiving court orders electronically**.
3. **Courts recognize lack of proper notice as grounds for equitable tolling** (*Larsen v. Soto*, 742 F.3d 1083, 1093 (9th Cir. 2013)).

V. RELIEF REQUESTED

For the foregoing reasons, Plaintiff respectfully requests that the Court:

1. **GRANT Plaintiff's Motion to Remand** this case to **Los Angeles County Superior Court** due to procedural defects, fraudulent removal, and lack of jurisdiction.
2. **FIND that Defendant's failure to properly serve removal notices violates FRCP 5(b)(2)(E) and 5(d)**.
3. **STRIKE the Declaration of Kristin A. Ingulsrud (ECF No. 25-1)** as misleading and inconsistent with the record.
4. **ISSUE SANCTIONS** under **FRCP 11** for **Defendant's bad faith litigation tactics**.
5. **ORDER Defendant to engage in good faith participation in Rule 26(f) proceedings**, should this Court decline to remand.

VI. CONCLUSION

Plaintiff submits this Reply **not to challenge prior rulings**, but to **ensure an accurate procedural record** and **protect Plaintiff's due process rights** from Defendant's continued misconduct. Defendant's procedural gamesmanship has obstructed Plaintiff's ability to fairly litigate this case, and at a minimum, **equitable tolling should be granted** to prevent further prejudice.

1 **Dated: 03/03/2025**

2 **Respectfully submitted,**

3 
Stephen Chapman, Pro Se

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CASE INFORMATION

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)**Case Number:** 24STCV27909

STEPHEN CHAPMAN VS HORACE MANN PROPERTY & CASUALTY INSURANCE COMPANY

Filing Courthouse: Stanley Mosk Courthouse**Filing Date:** 10/24/2024**Case Type:** Insurance Coverage (not complex) (General Jurisdiction)**Status:** Pending[Click here to access document images for this case](#)

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FUTURE HEARINGS

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)**03/13/2025** at 08:30 AM in Department 40 at 111 North Hill Street, Los Angeles, CA 90012

Case Management Conference

03/13/2025 at 08:30 AM in Department 40 at 111 North Hill Street, Los Angeles, CA 90012

Hearing on Motion for Order Striking Defendant's Notice of Removal, Grant Leave to Amend Complaint, and Remand Case to State Court

PARTY INFORMATION

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CHAPMAN STEPHEN - Plaintiff

HORACE MANN PROPERTY & CASUALTY INSURANCE COMPANY - Defendant

INGULSRUD KRISTIN - Attorney for Defendant

PRUITT RAYMOND DBA RAYMOND PRUITT - Defendant

DOCUMENTS FILED

THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

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CHAPMAN STEPHEN - Plaintiff

HORACE MANN PROPERTY & CASUALTY INSURANCE COMPANY - Defendant

INGULSRUD KRISTIN - Attorney for Defendant

PRUITT RAYMOND DBA RAYMOND PRUITT - Defendant

DOCUMENTS FILED

Documents Filed (Filing dates listed in descending order)

02/18/2025 Notice (OF IMPROPER REMOVAL AND REQUEST FOR JUDICIAL ACTION)

Filed by Stephen Chapman (Plaintiff)

01/27/2025 Summons (on Complaint (1st))

Filed by Stephen Chapman (Plaintiff)

01/21/2025 Civil Case Cover Sheet

Filed by Stephen Chapman (Plaintiff)

01/14/2025 Certificate of Mailing for ((Non-Appearance Case Review regarding Order to Show Cause Hear...) of 01/14/2025)

Filed by Clerk

01/14/2025 Minute Order ((Non-Appearance Case Review regarding Order to Show Cause Hear...))

Filed by Clerk

01/07/2025 Notice of Removal to Federal Court

Filed by Horace Mann Property & Casualty Insurance Company (Defendant)

01/06/2025 Notice of Motion

Filed by Stephen Chapman (Plaintiff)

01/06/2025 Motion for Order (TO STRIKE NOTICE OF REMOVAL, RECOGNIZE SECOND AMENDED COMPLAINT AS OPERATIVE PLEADING, AND REMAND TO STATE COURT)

Filed by Stephen Chapman (Plaintiff)

01/03/2025 Declaration (in support of Second Amended Complaint)

Filed by Stephen Chapman (Plaintiff)

12/16/2024 Civil Case Cover Sheet

Filed by Stephen Chapman (Plaintiff)

12/05/2024 Answer

Filed by Horace Mann Property & Casualty Insurance Company (Defendant)

11/18/2024 Proof of Personal Service

Filed by Stephen Chapman (Plaintiff)

11/18/2024 Proof of Personal Service

Filed by Stephen Chapman (Plaintiff)

11/14/2024 Amended Complaint ((1st) (1st))

Filed by Stephen Chapman (Plaintiff)

11/12/2024 Proof of Personal Service

Filed by Stephen Chapman (Plaintiff)

11/08/2024 Proof of Personal Service

Filed by Stephen Chapman (Plaintiff)

11/05/2024 Notice of Case Reassignment and Order for Plaintiff to Give Notice

Filed by Clerk

11/05/2024 Notice of Case Reassignment and Order for Plaintiff to Give Notice

Filed by Clerk

10/30/2024 Summons (on Complaint)

Filed by Stephen Chapman (Plaintiff)

10/25/2024 Notice of Case Management Conference

Filed by Clerk

10/25/2024 Order to Show Cause Failure to File Proof of Service

Filed by Clerk

10/24/2024 Notice of Rejection of Electronic Filing

Filed by Clerk

10/24/2024 Order on Court Fee Waiver (Superior Court)

Filed by Clerk

10/24/2024 Notice of Case Assignment - Unlimited Civil Case

Filed by Clerk

10/24/2024 Alternative Dispute Resolution Packet

Filed by Clerk

10/24/2024 Civil Case Cover Sheet

Filed by Stephen Chapman (Plaintiff)

10/24/2024 Civil Case Cover Sheet

Filed by Stephen Chapman (Plaintiff)

10/24/2024 Complaint
Filed by Stephen Chapman (Plaintiff)

PROCEEDINGS HELD

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Proceedings Held (Proceeding dates listed in descending order)

01/14/2025 at 3:56 PM in Department 40, Michael Shultz, Presiding
Non-Appearance Case Review

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02/18/2025 Notice OF IMPROPER REMOVAL AND REQUEST FOR JUDICIAL ACTION; Filed by: Stephen Chapman (Plaintiff); As to: Horace Mann Property & Casualty Insurance Company (Defendant); Raymond Pruitt (Defendant)

01/27/2025 Summons on Complaint (1st); Issued and Filed by: Stephen Chapman (Plaintiff); As to: Horace Mann Property & Casualty Insurance Company (Defendant); Raymond Pruitt (Defendant)

01/21/2025 Civil Case Cover Sheet; Filed by: Stephen Chapman (Plaintiff)

01/14/2025 Case Management Conference scheduled for 03/13/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 40

01/14/2025 Minute Order (Non-Appearance Case Review regarding Order to Show Cause Hear...)

01/14/2025 Certificate of Mailing for (Non-Appearance Case Review regarding Order to Show Cause Hear...) of 01/14/2025; Filed by: Clerk

01/14/2025 On the Court's own motion, Order to Show Cause Re: Failure to File Proof of Service scheduled for 02/26/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 40 Not Held - Vacated by Court on 01/14/2025

01/14/2025 On the Court's own motion, Case Management Conference scheduled for 02/26/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 40 Not Held - Advanced and Continued - by Court was rescheduled to 03/13/2025 08:30 AM

01/07/2025 Notice of Removal to Federal Court; Filed by: Horace Mann Property & Casualty Insurance Company (Defendant)

01/07/2025 The case is placed in special status of: Stay - Removal to Federal Court

01/06/2025 Motion for Order TO STRIKE NOTICE OF REMOVAL, RECOGNIZE SECOND AMENDED COMPLAINT AS OPERATIVE PLEADING, AND REMAND TO STATE COURT; Filed by: Stephen Chapman (Plaintiff)

01/06/2025 Notice of Motion; Filed by: Stephen Chapman (Plaintiff)

01/06/2025 Hearing on Motion for Order Striking Defendant's Notice of Removal, Grant Leave to Amend Complaint, and Remand Case to State Court scheduled for 03/13/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 40

01/03/2025 Declaration in support of Second Amended Complaint; Filed by: Stephen Chapman (Plaintiff)

12/28/2024 Hearing on Motion for Stay of Proceedings scheduled for 03/18/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 40 Not Held - Vacated by Court on 12/28/2024

12/16/2024 Civil Case Cover Sheet; Filed by: Stephen Chapman (Plaintiff)

12/05/2024 Answer; Filed by: Horace Mann Property & Casualty Insurance Company (Defendant); As to: Stephen Chapman (Plaintiff)

11/18/2024 Proof of Personal Service; Filed by: Stephen Chapman (Plaintiff); As to: Horace Mann Property & Casualty Insurance Company (Defendant); Service Date: 11/14/2024; Service Cost: 41.30; Service Cost Waived: No

11/18/2024 Proof of Personal Service; Filed by: Stephen Chapman (Plaintiff); As to: Horace Mann Property & Casualty Insurance Company (Defendant); Service Cost Waived: No; Service Cost: 40.00; Service Date: 11/14/2024

11/14/2024 Amended Complaint (1st) (1st); Filed by: Stephen Chapman (Plaintiff); As to: Horace Mann Property & Casualty Insurance Company (Defendant)

11/12/2024 Proof of Personal Service; Filed by: Stephen Chapman (Plaintiff); As to: Horace Mann Property & Casualty Insurance Company (Defendant); Service Cost Waived: No; Service Cost: 40.00; Service Date: 11/08/2024

11/12/2024 Case reassigned to Stanley Mosk Courthouse in Department 40 - Hon. Michael Shultzeffective 11/12/2024; Reason: Inventory Transfer

11/08/2024 Proof of Personal Service; Filed by: Stephen Chapman (Plaintiff); As to: Horace Mann Property & Casualty Insurance Company (Defendant); Service Date: 11/08/2024; Service Cost: 41.30; Service Cost Waived: No

11/05/2024 Notice of Case Reassignment and Order for Plaintiff to Give Notice; Filed by: Clerk

11/05/2024 Notice of Case Reassignment and Order for Plaintiff to Give Notice; Filed by: Clerk

10/30/2024 Summons on Complaint; Issued and Filed by: Stephen Chapman (Plaintiff)

10/25/2024 Case Management Conference scheduled for 02/26/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 40

10/25/2024 Order to Show Cause Failure to File Proof of Service; Filed by: Clerk

10/25/2024 Notice of Case Management Conference; Filed by: Clerk

10/25/2024 Address for Stephen Chapman (Plaintiff) clerical correction

10/25/2024 Updated -- Stephan Chapman (Plaintiff): First Name: Stephan; Last Name: Chapman; Organization Name: blank

10/25/2024 Updated -- Stephen Chapman (Plaintiff): First Name changed from Stephan to Stephen

10/25/2024 Order to Show Cause Re: Failure to File Proof of Service scheduled for 02/26/2025 at 08:30 AM in Stanley Mosk Courthouse at Department 40

10/24/2024 Complaint; Filed by: Stephen Chapman (Plaintiff); As to: Horace Mann Property & Casualty Insurance Company (Defendant)

10/24/2024 Civil Case Cover Sheet; Filed by: Stephen Chapman (Plaintiff); As to: Horace Mann Property & Casualty Insurance Company (Defendant)

10/24/2024 Civil Case Cover Sheet; Filed by: Stephen Chapman (Plaintiff); As to: Horace Mann Property & Casualty Insurance Company (Defendant)

10/24/2024 Alternate Dispute Resolution Packet; Filed by: Clerk

10/24/2024 Notice of Case Assignment - Unlimited Civil Case; Filed by: Clerk

10/24/2024 Updated -- Order on Court Fee Waiver (Superior Court): Status Date changed from 10/24/2024 to 10/24/2024 ; Status changed from TP to Signed and Filed

10/24/2024 Case assigned to Hon. Anne Richardson in Department 40 Stanley Mosk Courthouse

10/24/2024 Order on Court Fee Waiver (Superior Court); TP by:

NEW SEARCH

PROOF OF SERVICE

Stephen Chapman v. Horace Mann Property, et al. | Case No. 24STCV27909

I am over 18 years of age and not a party to this action. I am employed in Los Angeles, California. My business address is 550 S. Hope Street, Suite 2200, Los Angeles, California 90071, my email: connie.spears@fmglaw.com.

On December 5, 2024, I served a copy of the document(s) titled **ANSWER OF HORACE MANN PROPERTY AND CASUALTY INSURANCE COMPANY TO FIRST AMENDED COMPLAINT** in the manner described below:

STEPHEN CHAPMAN, IN PRO PER

7917 Selma Avenue 336

Los Angeles, CA 90046

T: 619.550.7543

stefinchapman@outlook.com

- ☒ **(BY MAIL)** I deposited such envelope(s) in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ **(BY OVERNIGHT DELIVERY)** I placed said documents in envelope(s) for collection following ordinary business practices, at the business offices of FREEMAN MATHIS & GARY, LLP and addressed as shown on the attached service list, for collection and delivery by FEDEX to receive said documents, with delivery fees provided for. I am readily familiar with the practices of FREEMAN MATHIS & GARY, LLP for collection and processing of documents for overnight delivery and said envelope(s) will be deposited for receipt by FEDEX on said date in the ordinary course of business.
- ☐ **(BY PERSONAL SERVICE)** I caused such envelope(s) to be delivered by hand to the offices of the addressee(s).
- ☒ **(BY-E-MAIL)** I caused a copy of the document(s) to be sent from e-mail address connie.spears@fmglaw.com to the person(s) at the email address(es) listed in the attached Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- ☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 5, 2024, at Houston, Texas.



Connie Spears



Freeman
Mathis & Gary LLP

550 South Hope Street, Ste. 2200
Los Angeles, CA 90071



Freeman
Mathis & Gary LLP

550 South Hope Street, Suite 2200 – Los Angeles, CA 90071

STEPHEN CHAPMAN, IN PRO PER

7917 Selma Avenue 336
Los Angeles, CA 90046



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:24-cv-10546-MWF-BFM**

Stephen Chapman v. Horace Mann Property and Casualty Insurance Company
Assigned to: Judge Michael W. Fitzgerald
Referred to: Magistrate Judge Brianna Fuller Mircheff
Demand: \$75,000
Case in other court: County of Los Angeles, 24STCV27909
Cause: 28:1441 Notice of Removal - Breach of Contract

Date Filed: 12/06/2024
Jury Demand: None
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

Stephen Chapman

represented by **Stephen Chapman**
7917 Selma Ave 336
Los Angeles, CA 90046
619-550-7543
Email: stefinchapman@outlook.com
PRO SE


V.













Defendant









Horace Mann Property and Casualty Insurance Company










represented by **Kristin A Ingulsrud**
Freeman Mathis and Gary, LLP
550 South Hoper Street Suite 2200
Los Angeles, CA 90071
213-615-7000
Fax: 833-264-2083
Email: kristin.ingulsrud@fmglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marc J. Shrake
Freeman Mathis and Gary LLP
550 South Hope Street Suite 2200
Los Angeles, CA 90071-2627
213-615-7000
Fax: 833-264-2083
Email: mshrake@fmglaw.com
ATTORNEY TO BE NOTICED

Date Filed	#	Select all / clear	Docket Text
12/06/2024	 1	<input checked="" type="checkbox"/>	NOTICE OF REMOVAL from County of Los Angeles, case number 24STCV27909 Receipt No: ACACDC-38712961 - Fee: \$405, filed by Defendant HORACE MANN PROPERTY & CASUALTY INSURANCE COMPANY. (Attachments: # 1 Civil Cover Sheet, # 2 Declaration Declaration

			of Matthew Rubin, # <u>2</u> Declaration Declaration of Kristin A. Ingulsrud) (Attorney Kristin A Ingulsrud added to party HORACE MANN PROPERTY & CASUALTY INSURANCE COMPANY(pty:dft))(Ingulsrud, Kristin) (Entered: 12/06/2024)
			<input type="checkbox"/> 0 Main Document 5 pages 60.2 KB <input type="checkbox"/> 1 Civil Cover Sheet 4 pages 88.8 KB <input type="checkbox"/> 2 Declaration Declaration of Matthew Rubin 6 pages 697.5 KB <input type="checkbox"/> 3 Declaration Declaration of Kristin A. Ingulsrud 31 pages 1.2 MB
12/06/2024	 <u>2</u>	<input checked="" type="checkbox"/>	NOTICE of Interested Parties (Ingulsrud, Kristin) (Entered: 12/06/2024)
12/06/2024			CONFORMED COPY OF COMPLAINT against Defendants Horace Mann Property and Casualty Insurance Company, filed by Plaintiff Stephen Chapman. Filed in State Court on 10/24/2024 Submitted with Attachment 3 Exhibit A to Notice of Removal <u>1</u> (car) Modified on 12/11/2024 (car). (Entered: 12/11/2024)
12/06/2024			CONFORMED COPY OF FIRST AMENDED COMPLAINT against Defendant Horace Mann Property and Casualty Insurance Company amending Complaint - (Discovery), filed by Plaintiff Stephen Chapman. Filed in State Court on 11/14/2024 Submitted with Attachment 3 Exhibit A to Notice of Removal <u>1</u> (car) (Entered: 12/11/2024)
12/06/2024			NON-CONFORMED COPY OF ANSWER to Amended Complaint, filed by Defendant Horace Mann Property and Casualty Insurance Company. Submitted with Attachment 3 Exhibit B to Notice of Removal <u>1</u> (car) (Entered: 12/11/2024)
12/11/2024	 <u>3</u>	<input checked="" type="checkbox"/>	NOTICE OF ASSIGNMENT to District Judge Michael W. Fitzgerald and Magistrate Judge Brianna Fuller Mircheff. (car) (Entered: 12/11/2024)
12/11/2024	 <u>4</u>	<input checked="" type="checkbox"/>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (car) (Entered: 12/11/2024)
12/11/2024	 <u>5</u>	<input checked="" type="checkbox"/>	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (car) (Entered: 12/11/2024)
12/11/2024	 <u>6</u>	<input checked="" type="checkbox"/>	NOTICE OF DEFICIENCIES in Attorney Case Opening RE: Notice of Removal (Attorney Civil Case Opening), <u>1</u> . The following error(s) was found: Other error(s) with document(s): Attachment 1 Civil Cover Sheet should be e-filed separately. The event is located under Civil Events Other Filings Miscellaneous Filings. (car) (Entered: 12/11/2024)
12/11/2024	 <u>7</u>	<input checked="" type="checkbox"/>	CIVIL COVER SHEET filed by Defendant Horace Mann Property and Casualty Insurance Company. (Ingulsrud, Kristin) (Entered: 12/11/2024)
12/12/2024	 <u>8</u>	<input checked="" type="checkbox"/>	SELF-REPRESENTATION ORDER by Judge Michael W. Fitzgerald. SEE ORDER FOR DETAILS. (iv) (Entered: 12/12/2024)
12/12/2024	 <u>9</u>	<input checked="" type="checkbox"/>	ORDER SETTING SCHEDULING CONFERENCE by Judge Michael W. Fitzgerald. Scheduling Conference set for 1/27/2025 at 11:00 AM before Judge Michael W. Fitzgerald. (rs) (Entered: 12/12/2024)
01/15/2025	 <u>10</u>		SCHEDULING NOTICE and ORDER by Judge Michael W. Fitzgerald. On 12/12/2024, the Court issued an Order Setting Scheduling Conference <u>9</u> (the "Order"). Pursuant to that Order, the parties' Joint Rule 26(f) Report (the "Report") was due no later than 1/13/2025, and the Scheduling Conference was set on 1/27/2025 at 11:00 a.m. The required Report has not been filed. On its

			own motion, the Court VACATES the Scheduling Conference; no appearances shall be made. The parties are ORDERED to file the required Report, with a completed Schedule of Pretrial and Trial Dates Worksheet (Exhibit A to the Order), no later than 1/27/2025. The Court will review the Report and set pretrial and trial dates. Failure to timely file the Report may result in dismissal of this action without prejudice or the striking of Defendant's Answer. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (smom) TEXT ONLY ENTRY (Entered: 01/15/2025)
01/23/2025	 11	<input checked="" type="checkbox"/>	EX PARTE APPLICATION FOR JUDICIAL NOTICE OF SECOND AMENDED COMPLAINT AND STAY OR EXTENSION OF RULE 26(f) DEADLINES PENDING MOTION TO REMAND filed by Plaintiff Stephen Chapman. (Attachments: # 1 Proposed Order)(iv) (Entered: 01/24/2025)
			<div> <input type="checkbox"/> 0 Main Document 129 pages 12.0 MB </div> <div> <input type="checkbox"/> 1 Proposed Order 2 pages 321.7 KB </div>
01/23/2025	 12	<input checked="" type="checkbox"/>	DECLARATION OF STEPHEN CHAPMAN filed by Plaintiff Stephen Chapman. (iv) (Entered: 01/24/2025)
01/23/2025	 13	<input checked="" type="checkbox"/>	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S REQUEST FOR EX PARTE RELIEF filed by Plaintiff Stephen Chapman. (iv) (Entered: 01/24/2025)
01/24/2025	 14	<input checked="" type="checkbox"/>	NOTICE TO FILER OF DEFICIENCIES in Filed Document RE: Ex Parte 11 . The following error(s) was/were found: Proposed documents require a signature by the court only. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (iv) (Entered: 01/24/2025)
01/24/2025	 15	<input checked="" type="checkbox"/>	APPLICATION for Pro Se Litigant to electronically file documents in a specific case filed by Plaintiff Stephen Chapman. (iv) (Entered: 01/27/2025)
01/27/2025	 16	<input checked="" type="checkbox"/>	REPORT of DEFENDANT'S RULE 26(f) Report filed by Defendant Horace Mann Property and Casualty Insurance Company. (Ingulsrud, Kristin) (Entered: 01/27/2025)
01/30/2025	 17	<input checked="" type="checkbox"/>	MINUTE (IN CHAMBERS) ORDER RE: PLAINTIFF'S EX PARTE APPLICATION FOR JUDICIAL NOTICE OF SECOND AMENDED COMPLAINT AND STAY OR EXTENSION OF RULE 26(f) DEADLINES PENDING MOTION TO REMAND 11 by Judge Michael W. Fitzgerald. The Application is GRANTED in part and DENIED in part. The Court declines Plaintiff's request for judicial notice and to stay the case pending the state court hearing scheduled for March 13, 2025. However, the Court grants Plaintiff's request to extend the deadline to file the Rule 26(f) report. The deadline to submit a joint Rule 26(f) Report is now on March 3, 2025. (iv) (Entered: 01/30/2025)
01/30/2025	 18	<input checked="" type="checkbox"/>	SUPPLEMENTARY DECLARATION OF PLAINTIFF STEPHEN CHAPMAN IN OPPOSITION TO RULE 26(F) PROCEEDINGS & IN SUPPORT OF NOTICE OF LACK OF SUBJECT- MATTER JURISDICTION, MOTION TO STRIKE, AND MOTION FOR SANCTIONS filed by Plaintiff Stephen Chapman. (iv) (Entered: 02/03/2025)

01/30/2025	 19	<input checked="" type="checkbox"/>	SUPPLEMENTAL PROOF OF SERVICE & NOTICE OF ERRATA filed by Plaintiff Stephen Chapman, served on 1/30/2025. (iv) (Entered: 02/03/2025)
02/03/2025	 20	<input checked="" type="checkbox"/>	NOTICE OF [PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO STRIKE DEFENDANTS NOTICE OF REMOVAL AND REMAND TO STATE COURT filed by Plaintiff Stephen Chapman. (iv) (Entered: 02/06/2025)
02/06/2025	 21	<input checked="" type="checkbox"/>	NOTICE TO FILER OF DEFICIENCIES in Filed Document RE: Proposed Order 20 . The following error(s) was/were found: Proposed document was not submitted with a Motion or Request. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (iv) (Entered: 02/06/2025)
02/13/2025	 24	<input checked="" type="checkbox"/>	Mail Returned addressed to Stephen Chapman re Minutes of In Chambers Order/Directive - no proceeding held,, 17 (es) (Entered: 02/21/2025)
02/18/2025	 22	<input checked="" type="checkbox"/>	PLAINTIFF'S NOTICE OF RELIANCE ON PREVIOUSLY FILED PROPOSED ORDER filed by Plaintiff Stephen Chapman. (es) (Entered: 02/21/2025)
02/18/2025	 23	<input checked="" type="checkbox"/>	Plaintiff's EX PARTE Motion for Equitable Tolling and Remand filed by Plaintiff Stephen Chapman. (es) (Entered: 02/21/2025)
02/24/2025	 25	<input checked="" type="checkbox"/>	OPPOSITION Opposition re: EX PARTE APPLICATION for Order for Equitable Tolling and Remand 23 <i>OPPOSITION</i> filed by Defendant Horace Mann Property and Casualty Insurance Company. (Attachments: # 1 Declaration)(Shrake, Marc) (Entered: 02/24/2025)
			<input type="checkbox"/> 0 Main Document 8 pages 48.4 KB <input type="checkbox"/> 1 Declaration 2 pages 16.5 KB
02/24/2025	 26	<input checked="" type="checkbox"/>	MINUTES (IN CHAMBERS) ORDER DENYING PLAINTIFF'S EX PARTE MOTION FOR EQUITABLE TOLLING AND REMAND 23 by Judge Michael W. Fitzgerald. The Motion is DENIED. Plaintiff has not established that he is entitled to expedited relief. [See Order for further details.] (san) (Entered: 02/25/2025)
02/25/2025	 27	<input checked="" type="checkbox"/>	MINUTE (IN CHAMBERS) AMENDED ORDER DENYING PLAINTIFF'S EX PARTE MOTION FOR EQUITABLE TOLLING AND REMAND 23 by Judge Michael W. Fitzgerald. The Motion is DENIED. (iv) (Entered: 02/27/2025)

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472

Description:	Docket Report	Search Criteria:	2:24-cv-10546-MWF-BFM End date: 2/27/2025
Billable Pages:	4	Cost:	0.40

I also mentioned that Horace Mann opposes anything going forward in the state court action in light of the removal.

We also generally discussed some possible ways to resolve the case, and I hope we both can continue thinking about this.

Thank you again for taking the time to discuss everything, and I look forward to talking with next week, if not sooner.

Marc

Marc J. Shrake

Partner

Freeman Mathis & Gary, LLP

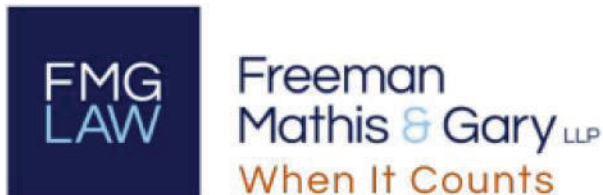
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From: Marc J. Shrake

Sent: Monday, February 10, 2025 5:47 PM

To: Stephen Chapman <stefinchapman@outlook.com>

Cc: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>

Subject: RE: Compliance with Pre-Motion & CMC Requirements – Chapman v. Horace Mann (24STCV27909)

Hello Stephen,

Thank you for your note. I just left you another voicemail about an hour ago.

Can we get on a phone call this week to discuss the Court's order dated January 30 that sets the deadline of March 3, 2025, for the parties to file their Joint Rule 26(f) Report, and to discuss the other papers you have filed?

I'm generally open tomorrow or Wednesday if you want to let me know a time that works for you.

I understand you are taking various positions and have filed several documents. Our conversations about the Joint Rule 26(f) Report (and anything else) would be on a without-prejudice basis so that you can continue to make your arguments (and we can make ours) while also complying with the Court's order.

I look forward to hearing from you.

Marc

Marc J. Shrake

Partner

Freeman Mathis & Gary, LLP

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From: Stephen Chapman <stefinchapman@outlook.com>

Sent: Monday, February 3, 2025 5:25 PM

To: Marc J. Shrake <MShrake@fmglaw.com>

Stephen Chapman, B.Sc., AA

Medical Device Sales Manager, Los Angeles CA

C| +1 619-550-7543

E| Stefinchapman@outlook.com

"I have no special talents, I am but only passionately curious."

-Albert Einstein

From: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>

Sent: Wednesday, January 15, 2025 9:39 AM

To: Stephen Chapman <stefinchapman@outlook.com>

Subject: RE: Chapman v. Horace Mann - Joint Rule 26(f) Report

Hello,

Please find attached the updated joint statement—I also added a brief sentence in the beginning re the delayed filing. Please let me know if you have any further revisions. When the final draft is approved, please send me a photo or scan of the signature page with your signature and I will get it filed. Unless you are a registered CM/ECF filer, we have to file with your hand-signed signature.

I'll ask my client about stipulating to filing an amended complaint.

Thanks

Kristin A. Ingulsrud

Senior Counsel

Freeman Mathis & Gary, LLP

550 South Hope Street | 22nd Floor | Los Angeles, CA 90071-2631

D: 213-615-7056 | C: 909-210-2763

Email: kristin.ingulsrud@fmglaw.com

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I recall the Defendant misrepresenting the fires as reason for delay. However, the Defendant reached out via phone 01/07; rtn call: that same evening; rtn home from abroad 01/13, immediately contacted counsel and began process.

Although I was in the evacuation zone; I was out of the country. Moreover, I was apparently not receiving mail from the court's clerical error made on my address.

This call was the first I really began to be made aware that Jurisdiction was indeed conflicted

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From: Stephen Chapman <stefinchapman@outlook.com>

Sent: Tuesday, January 14, 2025 10:36 PM

To: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>

Subject: Re: Chapman v. Horace Mann - Joint Rule 26(f) Report

Scheduling Conference was set on 1/27/2025 at 11:00 a.m. The required Report has not been filed. On its own motion, the Court VACATES the Scheduling Conference; no appearances shall be made. The parties are ORDERED to file the required Report, with a completed Schedule of Pretrial and Trial Dates Worksheet (Exhibit A to the Order), no later than 1/27/2025. The Court will review the Report and set pretrial and trial dates. Failure to timely file the Report may result in dismissal of this action without prejudice or the striking of Defendant's Answer. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (smom) TEXT ONLY ENTRY

Service was mailed to you by the court, so you should receive this in a couple days.

Kristin A. Ingulsrud

Senior Counsel

Freeman Mathis & Gary, LLP

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2:2 Confirms knowledge of e communications between the court and Plaintiff have not been granted

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From: Stephen Chapman <stefinchapman@outlook.com>

Sent: Wednesday, January 15, 2025 2:25 PM

To: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>

Subject: Re: Chapman v. Horace Mann - Joint Rule 26(f) Report

Caution: This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Hi Kristin,

Please see attached. I'd like to include the filed motion to strike, which includes the SAC and all exhibits concisely. as well as the state court filings ledger

if you prefer a call please feel free. thanks

Thanks for the heads up and insights; I appreciate you.

I understand and thought this might be the case regarding the exhibits at this stage. Thanks!

Contrary to the defenses mischaracterizations stated before the court and Judge Fitzgerald

I'd be more than happy to meet the cour's orders asap. Anything in particular I should get started on?

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From: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>

Sent: Wednesday, January 15, 2025 3:40:56 PM

To: Stephen Chapman <stefinchapman@outlook.com>

Subject: RE: Chapman v. Horace Mann - Joint Rule 26(f) Report

Gross Misrepresentation of fact/Misleading

Confirms Receipt of Stipulation Made by Plaintiff a critical part in determining steps as Rule 26 sets out to achieve

Thanks, I'll incorporate the changes and create separate sections for us on parts (g) and (m).

Defendant Never responded to this request, hindering rule 26 timely

We don't agree that it would be appropriate to attach pleadings from the state court (if that's what you meant), as that goes beyond the purpose of this filing which is to facilitate a scheduling order. However, you can address any issues you think are responsive to the court's order within the report—we have more time to work on this if you want to add more. The court issued this order today:

Did not recieve court communication (see docket entry 23)

Docket Text:

SCHEDULING NOTICE and ORDER by Judge Michael W. Fitzgerald. On 12/12/2024, the Court issued an Order Setting Scheduling Conference [9] (the "Order"). Pursuant to that Order, the parties' Joint Rule 26(f) Report (the "Report") was due no later than 1/13/2025, and the Scheduling Conference was set on 1/27/2025 at 11:00 a.m. The required Report has not been filed. On its own motion, the Court VACATES the Scheduling Conference; no appearances shall be made. The parties are ORDERED to file the required Report, with a completed Schedule of Pretrial and Trial Dates Worksheet (Exhibit A to the Order), no later than 1/27/2025. The Court will review the Report and set pretrial and trial dates. Failure to timely file the Report may result in dismissal of this action without prejudice or the striking of Defendant's Answer. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (smom) TEXT ONLY ENTRY

Counsel confirms knowledge of Plaintiff's disadvantage as e communications were not granted yet

Service was mailed to you by the court, so you should receive this in a couple days.

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From: Stephen Chapman <stefinchapman@outlook.com>
Sent: Monday, January 27, 2025 3:46 PM
To: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>
Subject: Re: Case No. 2:24-cv-10546 – Plaintiff's Statements

Caution: This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Hi Kristin,

Thank you for your email. I understand the urgency, and I want to clarify my position regarding the Joint Rule 26(f) Statement.

The version I sent adheres to the framework and structure outlined in the court's order and appropriately reflects the Plaintiff's positions. The changes were made to ensure the report complies with both procedural requirements and the factual complexities of the case.

As you know, the case has encountered significant procedural challenges, largely stemming from the premature removal to federal court under "snap removal" tactics. This has resulted in jurisdictional conflicts and confusion, as the State court proceedings remain stayed pending the motion to remand. These issues have necessitated additional time and resources to address.

While I respect your position, I believe it's essential for the Joint Statement to accurately reflect these complications and ensure both parties' positions are presented in good faith to the Court. If there are specific points in the Plaintiff's portion that require adjustment, I'm happy to review them collaboratively.

I remain committed to resolving this promptly and working towards an equitable resolution. Please let me know if you'd like to discuss this further before filing.

Best regards,

Stephen Chapman, B.Sc., AA

Medical Device Sales Manager, Los Angeles CA

C| +1 619-550-7543

E| Stefinchapman@outlook.com

Kristin A. Ingulsrud

Senior Counsel

Freeman Mathis & Gary, LLP

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From: Stephen Chapman <stefinchapman@outlook.com>

Sent: Wednesday, January 15, 2025 4:53 PM

To: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>

Subject: Re: Chapman v. Horace Mann - Joint Rule 26(f) Report

Caution: This email originated from outside of the FMG organization. **Do not click links** or **open attachments** unless you recognize the sender and know the content is safe.

Hi Kristin,

Caution: This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Dear Kristin,

All facts supporting proper joinder



Thank you for your email regarding the Second Amended Complaint (SAC) and the inclusion of Defendant Raymond Pruitt. In response to your position as stated in your email, I would like to take this opportunity to clarify why Pruitt's inclusion in this case is both valid and material to the claims, thereby impacting diversity jurisdiction as follows:

1. Independent Liability of Pruitt

Raymond Pruitt played a direct and independent role in the alleged acts giving rise to this dispute. His involvement includes, but is not limited to:

- **Policy Mismanagement:** Pruitt's oversight and administration of the policy directly contributed to the systemic billing errors and conflicting communications cited in the SAC.
- **False Assurances:** Pruitt provided misleading assurances regarding the terms and adjustments of the policy, causing material harm to the Plaintiff.
- **Decision-Making Authority:** As the agent of record, Pruitt's decisions and actions are central to the allegations of negligence, bad faith, and fraud.

Pruitt's liability is distinct from that of Horace Mann as a corporate entity, and his inclusion as a defendant is based on substantive claims directly tied to his conduct.

2. Local Jurisdiction

Pruitt's residency in California establishes him as a citizen of this forum state. Under the forum defendant rule codified in 28 U.S.C. § 1441(b)(2), removal is prohibited when any properly joined and served defendant is a citizen of the forum state.

- Horace Mann's incorporation status as a foreign corporation is irrelevant to this analysis, as Pruitt's inclusion prevents removal based on diversity jurisdiction.
- The SAC explicitly identifies Pruitt's California residency, further supporting Plaintiff's argument that diversity jurisdiction is destroyed.

3. Challenges to Fraudulent Joinder

The inclusion of Pruitt is not an attempt to defeat jurisdiction but is grounded in substantive and material claims directly related to his conduct.

- Plaintiff has articulated specific allegations against Pruitt, including his failure to manage the policy appropriately and his role in perpetuating billing errors and false representations.
- These claims are well-supported by evidence, including internal communications, billing notices, and correspondence involving Pruitt.
- Courts have consistently rejected claims of fraudulent joinder where substantive allegations exist against a non-diverse defendant.

In light of the above, Pruitt's inclusion in the SAC is proper and necessary for the adjudication of this matter.

I look forward to resolving these issues through the appropriate motions and ensuring clarity regarding the jurisdictional and substantive merits of the case.

Kindly,

Stephen Chapman

Plaintiff, In Pro Se

On notice, as the Plaintiff was put on notice by the court; (paraphrasing) "opposing counsel will use everything lawfully afforded to be victorious regardless of pro se status."

The extraordinary circumstance is the one we are in - which has been manufactured by the defense to undermine justice and advance through the process - without adhering to it.

From: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>

Sent: Thursday, January 16, 2025 8:07:22 AM

To: Stephen Chapman <stefinchapman@outlook.com>

Subject: RE: Chapman v. Horace Mann - Joint Rule 26(f) Report

True in part, wholly misleading.

True: The position of bad faith denial of fact that the defense has chosen to take.

Misleading: Said Position only exists in a vacuum

Our position is that neither a state or federal court will recognize the SAC because it was not properly filed. And even if eventually filed, naming an employee of a foreign corporation does not automatically destroy diversity jurisdiction. We intend to comply with the court's order.

Kristin A. Ingulsrud

Senior Counsel

We disagree with your analysis regarding fraudulent joinder. Our position is that even if the case was remanded, Mr. Pruitt would likely be dismissed at the pleadings stage in state court, at which point the case would end up back in federal court after needless delay and expense to all parties.

More importantly at this time, we don't see it as affecting our duties under Rule 26.

Kristin A. Ingulsrud

Senior Counsel

Freeman Mathis & Gary, LLP

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From: Stephen Chapman <stefinchapman@outlook.com>

Sent: Thursday, January 16, 2025 9:47 AM

To: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>

Subject: Re: Chapman v. Horace Mann - Joint Rule 26(f) Report

designed to cast irreparable harm on the Plaintiff as the Plaintiff believes to be evident be the described optics of the Court inferred and implied within the civil minutes

From: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>
Sent: Monday, January 27, 2025 10:23 AM
To: Stephen Chapman <stefinchapman@outlook.com>
Subject: RE: Case No. 2:24-cv-10546 – Plaintiff's Statements

Good Morning,

I'm not sure if you are referring to the Joint Statement, but if so, that is the document that I have been emailing about for the past couple weeks. Please let me know if I have authority to file the attached document. If you are a registered CM/ECF filer, I can file (with your permission) without your hand-signed signature. If you are not, please sign the "hand signature" version, scan and return.

Please let me know if you want us to file on your behalf by 2 p.m. so that we have time to get it filed today. If you do not intend to participate, please also let me know ASAP because then I need to redo this as a solo filing. Per the court's previous order, this is supposed to be a joint filing. The court has already reprimanded us once for not complying with this order.

Kristin A. Ingulsrud

Senior Counsel

Freeman Mathis & Gary, LLP

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"I have no special talents, I am but only passionately curious."

-Albert Einstein

From: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>

Sent: Monday, January 27, 2025 1:52 PM

To: Stephen Chapman <stefinchapman@outlook.com>

Subject: RE: Case No. 2:24-cv-10546 – Plaintiff's Statements

Misrepresentation of Facts

I've been attempting to get this done for weeks now. I don't know why you have created a new document that removes my client's positions and fails to comply with the Court's order. It is also already nearly 5 p.m. where my client is. We are not further revising Defendant's portions of the Joint Statement at this time.

Please sign the version I sent this morning by 2:30 p.m., otherwise we will proceed with our own separate statement and advise the court of your refusal to cooperate.

If it's not clear, you do not have our permission to file this document on our behalf.

Kristin A. Ingulsrud

Senior Counsel

I complied with the defendants request by 2 PM by position is not aligned in meeting the counsel's client's strategic endeavors | Nor am I obligated to a time zone where this matter does not sit.

This is an unlawful and brazen threat admitting retaliation and the intent to harm through legal ultimatum

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[Please read this important notice and confidentiality statement](#)

From: Stephen Chapman <stefinchapman@outlook.com>
Sent: Wednesday, January 15, 2025 8:46 PM
To: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>
Subject: Re: Chapman v. Horace Mann - Joint Rule 26(f) Report

Caution: This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Plaintiff Proceeds to consider the ongoing conflicts but is ill advised by counsel

Hi Kristin,

This is what is creating chaos in my mind as we continue to venture into the Federal Orders - there the attached lies in active wait.

From an unexperienced perspective, the logic in continuing to comply with Federal Orders in the sequence required it would seem that filing a motion to leave in recognize the SAC would decrease procedural confusion and a very likely chance of redundant actions.

To be frank, it seems as though we are playing house in an effort to sidestep the inevitable by ignoring the elephant in the room. What is the reason to do this ? Knowing diversity is destroyed once the court is made aware. Therefore, remanded back to the State?

I'm not saying this is your intention; but I am saying you have a job to do and I see that, respect that; to this end, respectfully, so do I.

Stephen Chapman, B.Sc., AA

Medical Device Sales Manager, Los Angeles CA

C| +1 619-550-7543

E| Stefinchapman@outlook.com

"I have no special talents, I am but only passionately curious."

-Albert Einstein

Misleading as proven by the counsels narrative to the court in stark contrast

From: Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>
Sent: Wednesday, January 15, 2025 5:04 PM
To: Stephen Chapman <stefinchapman@outlook.com>
Subject: RE: Chapman v. Horace Mann - Joint Rule 26(f) Report

For now we just need to file the Joint Rule 26(f) Report, which we seem close to finishing. Also optional for you to fill out the plaintiff's column on Exhibit A if you have a preferred timeline.



RE: Case No. 2:24-cv-10546 – Plaintiff's Statements

From Kristin A. Ingulsrud <kristin.ingulsrud@fmglaw.com>

Date Tue 1/28/2025 9:06 AM

To Stephen Chapman <stefinchapman@outlook.com>

What is unacceptable is the defendant not responding to the stipulation requested by the Plaintiff over 2 weeks ago as a major proponent to how the rule 26 will be carried out

You sent a new document that was incorrectly formatted and inexplicably changed and/or removed my client's positions on certain issues. As a practical matter, your new document was also sent only 21 minutes before close of business where my client is located. You were given two weeks to make changes. 21 minutes is unacceptable

The document I formatted already allowed for your input as to each of the categories requested in the court's order. Since I did not receive your authorization to file, we proceeded to file on our client's behalf only.

I respectfully disagree on the source of the procedural challenges.

Kristin A. Ingulsrud

Senior Counsel

This seems to be counsels real point of contention, the deadline they chose does not meet their client's time/conditions

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